

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re

**JAMES T. MOORE and
HEATHER A. MOORE (DECEASED),**

Debtors.

Bankruptcy No. 13-24716 JAD

Chapter 12

Hon. Jeffery A. Deller

Re. Doc. Nos. 118, 120, 151, 161

**JAMES T. MOORE and
HEATHER A. MOORE (DECEASED),**

Movants,

v.

**LAW OFFICES OF ROBERT J.
FENSTERSHEIB & ASSOCIATES, P.A.,**

Respondent.

**RONDA J. WINNECOUR, CHAPTER 12
TRUSTEE,**

Movant/Objector,

v.

**LAW OFFICES OF ROBERT J.
FENSTERSHEIB & ASSOCIATES, P.A.,**

Respondent.

**ORDER APPROVING JOINT STIPULATION AND APPROVING *NUNC PRO TUNC*
APPLICATION TO EMPLOY ROBERT J. FENSTERSHEIB AND ASSOCIATES AS
SPECIAL COUNSEL [DOC. NO. 118] AND
NUNC PRO TUNC MOTION TO APPROVE SETTLEMENT [DOC. NO. 120]**

AND NOW, this 4th day of April, 2018, upon consideration of (i) Debtors'

Application to Employ Law Offices of Robert J. Fenstersheib as Personal Injury

Attorney Nunc Pro Tunc [Doc. No. 118], (ii) Debtors' **Motion to Approve Settlement Nunc Pro Tunc** [Doc. No. 120], (iii) the Chapter 12 Trustee's **Objection to the Nunc Pro Tunc Motion to Approve Settlement and Nunc Pro Tunc Application to Employ** [Doc. No. 151], and (iv) the **Joint Stipulation and Proposed Order Resolving Objections to Nunc Pro Tunc Motion to Approve Settlement and Nunc Pro Tunc Application to Employ Robert J. Fenstersheib and Associates as Special Counsel** [Doc. No. 161], the Court finds, after inquiry, that the proposed special counsel is disinterested and is qualified to represent the Debtors in their personal injury case, and that the employment of such special counsel is in the best interests of the Debtors and the Estate. The Court also finds that the proposed settlement of the personal injury claim is fair, adequate and reasonable, and is in the best interests of the Debtors and the Estate.

ACCORDINGLY, it is ORDERED that the **Application to Employ** and **Motion to Approve Settlement** are APPROVED and GRANTED as follows:

1. The proposal to settle Debtors' claims as plaintiffs the lawsuit pending at MDL Case No. 12-md-02326 in the United States District Court for the Southern District of West Virginia, for the gross sum of \$250,000, is hereby approved. Pursuant to Pretrial Order No. 52 dated August 26, 2013 [MDL Doc. No. 508] and Pretrial Order No. 136 dated January 15, 2016 [MDL Doc. No. 1289] entered by the United States District Court for the Southern District of West Virginia, the defendant in the MDL lawsuit will withhold 5% of the gross settlement and will remit \$237,500 to the Estate, payable to "Ronda J. Winnecour, Chapter 12 Trustee for the Estate of James T. Moore and Heather A. Moore";
2. The Law Offices of Robert J. Fenstersheib & Associates, P.A., Sheryl Berkowitz, Esquire and MotleyRice, LLC (collectively "Special Counsel") are approved and hereby employed as special counsel for the Debtors with regard to the prosecution of the personal injury litigation *nunc pro tunc* to the Petition Date;
3. The fee application of Special Counsel is approved in the amount of 28 and 1/3% of the gross settlement (to-wit, one-third minus an offset for the 5% MDL Assessment), equal to \$70,833.33, plus expenses in the amount of \$3304.93. The Chapter 12 Trustee is authorized to remit payment to the Law Offices of Robert J. Fenstersheib & Associates, P.A. in the total amount of \$74,138.26 upon receipt

of the settlement proceeds. Of this amount, Fenstersheib is authorized to remit \$12,500 to MotleyRice, LLC for its services as co-counsel;

4. The Trustee and Debtors reserve all objections to any alleged creditor claims against the settlement proceeds;
5. Debtors shall be permitted to file amended exemptions in the settlement proceeds within thirty days.

By the Court,



4-4-2018

Jeffery A. Deller
Chief Judge, United States Bankruptcy Court

FILED
4/4/18 12:04 pm
CLERK
U.S. BANKRUPTCY
COURT - WDP

Imaged Certificate of Notice Page 4 of 4

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
James T Moore
Heather A Moore
DebtorsCase No. 13-24716-JAD
Chapter 12**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: lfin
Form ID: pdf900Page 1 of 1
Total Noticed: 1

Date Rcvd: Apr 04, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 06, 2018.
db/jdb +James T Moore, Heather A Moore, 163 Upper Service Road, Hookstown, PA 15050-1447

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 06, 2018

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 4, 2018 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor VOLT Asset Holdings Trust XVI, by Caliber Home Loans, Inc., solely in its capacity as servicer agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
 Andrew F Gornall on behalf of Defendant Caliber Home Loans agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
 Edgardo D Santillan on behalf of Plaintiff Heather A Moore ed@santillanlaw.com, edscourt@debtlaw.com,edscourt@gmail.com,650corpst304bknotbackup15009@gmail.com,eds@debtlaw.com, eds.mycfemail@gmail.com,r53999@notify.bestcase.com
 Edgardo D Santillan on behalf of Debtor James T Moore ed@santillanlaw.com, edscourt@debtlaw.com,edscourt@gmail.com,650corpst304bknotbackup15009@gmail.com,eds@debtlaw.com, eds.mycfemail@gmail.com,r53999@notify.bestcase.com
 Edgardo D Santillan on behalf of Spec. Counsel Felicia E. Santillan ed@santillanlaw.com, edscourt@debtlaw.com,edscourt@gmail.com,650corpst304bknotbackup15009@gmail.com,eds@debtlaw.com, eds.mycfemail@gmail.com,r53999@notify.bestcase.com
 Edgardo D Santillan on behalf of Joint Debtor Heather A Moore ed@santillanlaw.com, edscourt@debtlaw.com,edscourt@gmail.com,650corpst304bknotbackup15009@gmail.com,eds@debtlaw.com, eds.mycfemail@gmail.com,r53999@notify.bestcase.com
 Edgardo D Santillan on behalf of Plaintiff James T Moore ed@santillanlaw.com, edscourt@debtlaw.com,edscourt@gmail.com,650corpst304bknotbackup15009@gmail.com,eds@debtlaw.com, eds.mycfemail@gmail.com,r53999@notify.bestcase.com
 James Warmbrodt on behalf of Creditor VOLT Asset Holdings Trust XVI, by Caliber Home Loans, Inc., solely in its capacity as servicer bkgroup@kmlawgroup.com
 Michael J Shavel on behalf of Creditor Wilmington savings fund society, fsb as trustee for Upland Mortgage Loan Trust A mshavel@hillwallack.com, mosbeck@hillwallack.com
 Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov
 Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com, ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com
 Ronda J. Winnecour cmecf@chapter13trusteedpa.com
 Ronda J. Winnecour on behalf of Trustee Ronda J. Winnecour cmecf@chapter13trusteedpa.com
 Scott M. Hare on behalf of Spec. Counsel Law Offices of Robert J. Fenstersheib & Associates, P.A. scott@scottlawpgh.com, share4@mac.com;candice@scottlawpgh.com

TOTAL: 14